

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Jose L. Linares
	:	
v.	:	Crim. No. 10-83 (JLL)
	:	
L. HARVEY SMITH	:	
	:	CONSENT ORDER


This matter having been opened to the Court by Paul J. Fishman, United States Attorney for the District of New Jersey (Jenny R. Kramer and Sandra L. Moser, Assistant U.S. Attorneys, appearing) and by defendant L. Harvey Smith, (Peter Willis, Esq., appearing) for a Consent Order (a) striking the "with the intent" language that appears in Count 6 on page 19 of the Indictment and replacing same with "knowing that the transaction was designed in whole or in part," in accordance with the statutory language of Title 18, United States Code, Section 1956(a)(1)(B)(i); and (b) redacting as superfluous the additional following language from Count Six which also appears on page 19 of the Indictment ". . . and involving the use of a financial institution engaged in interstate commerce" such that the charging language will read, in pertinent part, that defendant Smith ". . . did knowingly and willfully conduct, and attempt to conduct, a financial transaction affecting interstate commerce, specifically, utilizing "straw" donors to illegally structure a \$5,000 corrupt cash campaign contribution accepted by defendant SMITH and deposited into the Team Smith 2009 account. . ."; and it being determined that the Indictment may be amended and/or redacted in

such a manner, see e.g. Russell v. United States, 369 U.S. 749, 770 (1962) ("settled rule in the federal courts that an indictment may not be amended except by resubmission to the grand jury, unless the change is merely a matter of form"); see also United States v. Lorefice, 192 F.3d 647 (7th Cir. 1999) (internal citation omitted) (redaction is appropriate when "no material change [or resulting] prejudice to the defendant"). Having found such Order to be appropriate and good cause having been shown, the Court makes the following findings in support of entering such Order:

1. The proposed revisions result in technical, rather than substantive changes to the Indictment;
2. The United States has represented that there is no additional discovery relating to the proposed changes; and
3. Both the United States and the defendant have consented to the proposed changes to the Indictment;

IT IS, therefore, on this 29th day of November, 2010,
ORDERED that:

1. Page 19 of the Indictment will be amended and redacted as set forth above; and
2. The Indictment will be filed with the new page 19.



HON. JOSE L. LINARES
United States District Judge